IV. REMARKS

1.   Claims 1 and 9 are amended.   Claims 8 and 14-25 are cancelled without prejudice.   Claims 26-39 are new.

2.   Claims 1 and 26 are not unpatentable over Sumizawa in view of Sumner under 35 U.S.C. §103(a).

Claims 1 and 26 are directed to outputting only those messages which are relevant to a specific vehicle in accordance with certain conditions belonging to the vehicle.   This is not disclosed or suggested by Sumizawa in view of Sumner.

According to claim 1, an expected duration of traffic congestion and the travel time from the actual position of the vehicle to the location of this traffic congestion in view of the actual traveling speed is taken into account for deciding whether a certain traffic message has to be output or not.

According to claim 26 the traveling direction of the vehicle is compared with the traveling direction for which a certain traffic message is relevant.

Sumizawa discloses a navigation system that reports a traffic jam location on a recommended route to a destination that has been set.   This traffic information includes the distance from the current position of a vehicle to the tail end of the traffic jam location.   In Sumizawa, a route is set to a destination.   If the reception device has traffic information related to the "route that has been set", depending on the distance from the current position to a traffic control point and to a traffic jam location, a report is issued. (Col. 1, line 20 to Col. 3, line 40.)   Sumizawa does not differentiate, for example, as to a

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direction of travel of the vehicle, or allow a user to select an area surrounding the vehicle that is of interest, such as a circular area or a corridor-like area.

The navigation system of Sumizawa can only report those traffic jams or congestion that are on the set route. In order to decide whether a traffic jam or congestion relates to the route, the only determination to be made is whether the route where the traffic jam occurred relates to the recommended route. However, Sumizawa is silent about comparing the actual traveling direction with the direction of a road that is affected by a traffic jam to decide whether or not a message concerning this traffic jam is relevant for the driver of a certain vehicle.

In contrast, the method according to the present invention is not concerned with reporting traffic information in a navigation system that can compare the routes to which the traffic messages belong with a recommended route to decide whether or not the traffic messages are relevant for a certain vehicle.

Moreover, the method according to the present invention is provided for outputting traffic information in a motor vehicle that is not necessarily guided by a navigation system, so that there is no possibility to compare received traffic messages, i.e. the positions to which they belong with a recommended route.

Thus, it is not obvious, in view of Sumizawa and Sumner, to use the current traveling direction to decide on the relevance of certain traffic messages.

Sumner does not overcome the above noted deficiencies of Sumizawa. Sumner only teaches the correlation of the vehicle and a traffic jam position with "cells" of areas. Sumner

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defines the distance between the cell the vehicle is located in and the cell in which the traffic jam is located. Thus, information can then be output to a user. Sumner relies on the "cell oriented collection of traffic data." (See e.g. Fig. 4, and Col. 13, lines 19-54).

For example, if a vehicle is traveling to the north Sumner's system will provide information about any traffic congestion of a certain cell, even if they are only relevant for vehicles traveling to the south. Thus, there is still an information overload for the driver of a vehicle to sort through and identify relevant information. The driver of a vehicle wants information related to the direction he is traveling, especially on freeways and highways, where the lanes in both directions are clearly separated from each other and traffic congestion are usually relevant only for the lanes in one direction.

With regard to the invention according to claims 1 and 37, it is also believed that the method thereof is new and non-obvious since there is no suggestion in any of the cited prior art to consider an anticipated duration of the general relevance of the respective traffic message, an expected duration of a traffic congestion and the time a vehicle would need to reach the location of the traffic congestion in view of its traveling speed for deciding whether a traffic message is relevant or not.

Thus, Sumizawa in view of Sumner cannot disclose or suggest the features of Applicant's invention.

3. Claims 1 and 26 are not unpatentable over Goss et al. ("Goss") in view of Sumner under 35 U.S.C. §103(a)

Goss does not suggest to use the traveling direction for selecting received traffic messages, but rather only discloses

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using the vehicle position and a route calculated by a navigation system for a pre-filtering of traffic messages.

Goss in combination with Sumner does not disclose or suggest that traffic messages are sorted and stored as a list or that they are output as a list according to distances. Goss in combination with Sumner also does not disclose or suggest presenting traffic information according to the distance to the respective position of the motor vehicle as claimed by Applicant.

In Goss, in order to avoid overloading of the navigation system, the message transmission channel and the driver, with many irrelevant traffic messages, it is suggested that the vehicle position and the calculated route is used for pre-filtering the traffic messages. However, unlike Applicant's invention, Goss does not disclose or suggest sorting this information, by for example, the distance to the vehicle.

Sumner does not overcome these deficiencies of Goss because Sumner relies on "cell messages" (Col. 6, lines 29-48) where a "cell" is defined by the direction of vehicle travel and the major arterials in an area the vehicle is traveling. The vehicle processor subsystem 103 can process "links" in the cell in which the vehicle is as well as an adjacent cell, unlike Applicant's invention. Sumner relies on this link and cell relationship to output information.
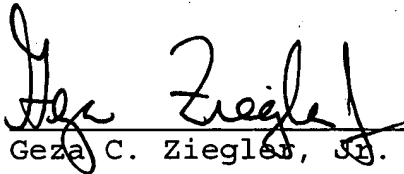
Thus, Applicant's invention is not disclosed or suggested by Goss in view of Sumner.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and

are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check for $506.00 is enclosed for a two-month extension of time plus one extra independent claim. The Commissioner is authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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8 December 2003
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